

BRYAN A. MERRYMAN (SBN 134357)
bmerryman@whitecase.com
WHITE & CASE LLP
555 S. Flower Street, Suite 2700
Los Angeles, CA 90071-2433
Telephone: (213) 620-7700
Facsimile: (213) 452-2329

Attorneys for Defendant Sunland Trading, Inc.

[Additional parties and counsel listed on signature page]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HENRY'S BULLFROG BEES, et al.,

Plaintiffs,

V.

SUNLAND TRADING, INC., et al.,

Defendants.

Case No. 2:21-CV-00582-TLN-CKD

**STIPULATION RE: LEAVE TO
FILE JOINT OMNIBUS
MOTION TO DISMISS, PAGE
LIMITS, AND BRIEFING
SCHEDULE**

The Honorable Troy L. Nunley

Local Civ. R. 143, 144(a)

1 TO THE HONORABLE COURT:

2 PLEASE TAKE NOTICE that Plaintiffs Henry's Bullfrog Bees, Golden Prairie Honey
3 Farms Corporation, d/b/a Valor Honey, and Kelvin Adee d/b/a Adee Honey Farms ("Plaintiffs")
4 and Defendants Sunland Trading, Inc.; Lamex Foods, Inc.; Export Packers Company Limited,
5 d/b/a Odem International (improperly named as "Odem International Inc."); Barkman Honey,
6 LLC; Dutch Gold Honey, Inc.; True Source Honey, LLC; and NSF International ("Defendants"),
7 hereby agree and stipulate that good cause exists for the following:

8 WHEREAS, on March 29, 2021, Plaintiffs filed their original complaint. ECF No. 1;

9 WHEREAS, on June 28, 2021, Plaintiffs filed their First Amended Class Action
10 Complaint ("FAC"). ECF No. 43;

11 WHEREAS, on July 9, 2021, the parties stipulated in the interest of judicial economy to
12 Defendants filing a joint omnibus motion to dismiss the FAC, in which the parties agreed
13 Defendants would raise all non-defendant-specific grounds for dismissal of the FAC, in addition
14 to which Defendants would file individual motions to dismiss raising only defendant-specific
15 grounds for dismissal of the FAC and in which Defendants would not repeat arguments raised in
16 the joint omnibus motion. ECF No. 45;

17 WHEREAS, on July 12, 2021, the Court granted the parties' stipulation in relevant part
18 and granted Defendants leave to file a joint omnibus motion to dismiss not to exceed 25 pages,
19 Plaintiffs to file an opposition not to exceed 25 pages, and Defendants to file a reply not to exceed
20 15 pages. ECF No. 46;

21 WHEREAS, on February 25, 2022, the Court granted Defendants' Motions to Dismiss
22 pursuant to Federal Rule of Civil Procedure 9(b), granted Plaintiffs leave to file a Second
23 Amended Complaint no later than March 28, 2022, and ordered to Defendants to "file a
24 responsive pleading," if at all, no later than April 18, 2022. ECF No. 95;

25 WHEREAS, in the interest of judicial economy, Defendants intend again to file a joint
26 omnibus motion to dismiss the Second Amended Complaint, raising all non-defendant-specific
27 grounds for dismissing the Second Amended Complaint, of not more than 25 pages. Should the
28 Court grant the parties' stipulation, Plaintiffs intend to file an opposition to the joint omnibus

1 motion of not more than 25 pages, and Defendants intend to file a reply of not more than 15
2 pages. One or more Defendants may also file a defendant-specific motion to dismiss raising
3 grounds for dismissal pertaining to that defendant and not repeating grounds raised in the joint
4 omnibus motion;

5 WHEREAS, the parties agree in the interests of judicial economy the parties may raise
6 their arguments in defendant-specific motions to dismiss, related oppositions, and replies within
7 fewer pages than typically permitted, and on this basis agree the parties shall, subject to Court
8 approval, have the following page limitations with respect to the briefing on defendant-specific
9 motions to dismiss, as follows:

- 10 • Sunland Trading, Inc. (“Sunland”): 15 pages for its motion to dismiss, 15 pages for
11 Plaintiffs’ opposition, and 10 pages for Sunland’s reply;
- 12 • True Source Honey, LLC (“True Source”): 10 pages for its motion to dismiss, 10
13 pages for Plaintiffs’ opposition, and 10 pages for True Source’s reply;
- 14 • All other Defendants: 10 pages for each defendant-specific motion to dismiss, 10
15 for each of Plaintiffs’ oppositions, and 5 pages for each reply;

16 WHEREAS, the parties further agree given Defendants intend to file a joint omnibus
17 motion to dismiss in addition to defendant-specific motions to dismiss, and for each of which
18 Plaintiffs intend to file oppositions, Plaintiffs’ deadline to file their oppositions shall, subject to
19 the Court’s approval, be extended by 7 days (for a total of 21 days), and Defendants’ deadline to
20 file replies shall be extended by 4 days (for a total of 14 days);

21 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between
22 Plaintiffs and Defendants, and subject to the Court’s approval, as follows:

- 23 1. In addition to defendant-specific motions to dismiss (with the page limitations
24 specified herein), Defendants shall have leave to file a single joint omnibus motion to
25 dismiss the Second Amended Complaint, which may not exceed **25 pages**, and which
26 shall raise all non-defendant-specific grounds for dismissal of the Second Amended
27 Complaint, and no defendant-specific motion(s) to dismiss shall repeat the arguments
28 raised in the joint omnibus motion;

2. In addition to opposition(s) to any defendant-specific motion(s) to dismiss, Plaintiffs
3 shall have leave to file a single opposition to Defendants' joint omnibus motion to
4 dismiss the Second Amended Complaint, which opposition may not exceed **25 pages**,
5 and no opposition to any defendant-specific motion(s) to dismiss shall repeat the
arguments raised in the opposition to the joint omnibus motion;
6. In addition to reply(ies) in support of any defendant-specific motion(s) to dismiss,
7 Defendants shall have leave to file a single reply in support of their joint omnibus
8 motion to dismiss the Second Amended Complaint, which reply may not exceed **15**
9 **pages**, and no reply in support of any defendant-specific motion(s) to dismiss shall
repeat the arguments raised in the reply in support of the joint omnibus motion;
10. The parties shall observe the following page limitations with respect to defendant-
11 specific motions to dismiss, oppositions, and replies thereto:
 - 12 a. Sunland: **15 pages** for its motion to dismiss, **15 pages** for Plaintiffs' opposition, and **10 pages** for Sunland's reply;
 - 13 b. True Source: **10 pages** for its motion to dismiss, **10 pages** for Plaintiffs' opposition, and **10 pages** for True Source's reply;
 - 14 c. All other Defendants: **10 pages** for each defendant-specific motion to dismiss, 10 for each of Plaintiffs' oppositions, and **5 pages** for each reply;
15. Plaintiffs' deadline to file their oppositions to all motions to dismiss shall be
16 **EXTENDED** by 7 days (for a total of 21 days), and Defendants' deadline to file
17 replies in support of their respective defendant-specific motions to dismiss and the
18 joint omnibus motion to dismiss shall be **EXTENDED** by 4 days (for a total of 14
19 days).

20 Date: April 14, 2022

21 WHITE & CASE LLP

22 By: /s/ Bryan A. Merryman
Bryan A. Merryman

23 Bryan A. Merryman (SBN 134357)
24 bmerryman@whitecase.com

555 South Flower Street, Suite 2700
Los Angeles, CA 90071
Telephone: (213) 620-7700
Facsimile: (213) 452-2329

Attorney for Defendant
Sunland Trading, Inc.

Date: April 14, 2022

LEWIS BRISBOIS BISGAARD & SMITH
LLP

By: /s/ John S. Poulos
John S. Poulos
(as authorized on April 12, 2022)

John S. Poulos (SBN 154689)
Matthew D. Taggart (SBN 227482)
2020 W. El Camino Ave., Suite 700
Sacramento, CA 95833
Telephone: (916) 646-8234

Attorneys for Defendant
Barkman Honey, LLC

Date: April 14, 2022

VORYS, SATER, SEYMOUR AND PEASE,
LLP

By: /s/ Thomas N. McCormick
Thomas N. McCormick
(as authorized on April 12, 2022)

Thomas N. McCormick (SBN 325537)
tnmccormick@vorys.com
4675 MacArthur Court, Suite 700
Newport Beach, CA 92660
Telephone: (949) 526-7903
Facsimile: (949) 383-2384

Nathaniel Lampley, Jr. (admitted *pro hac vice*)
nlampley@vorys.com
Jeffrey A. Miller (admitted *pro hac vice*)
jamiller@vorys.com
301 E. Fourth Street
Suite 3500, Great American Tower
Cincinnati, OH 45202
Telephone: (513) 723-4616
Facsimile: (513) 852-7869

Kenneth J. Rubin (admitted *pro hac vice*)
kjrubin@vorys.com
52 East Gay Street
Columbus, OH 43215
Telephone: (614) 464-5692
Facsimile: (614) 719-4796

1 Attorneys for Defendant
2 Dutch Gold Honey, Inc

3 Date: April 14, 2022

WILSON ELSER MOSKOWITZ
EDELMAN & DICKER LLP

4 By: /s/ David Aveni
5 David Aveni
(as authorized on April 12, 2022)

6 Michael P. McCloskey (SBN 106051)
7 michael.mccloskey@wilsonelser.com
8 David J. Aveni (SBN 251197)
9 david.aveni@wilsonelser.com
10 401 West A Street
11 Suite 1900
12 San Diego, CA 92101
13 Telephone: (619) 321-6200
14 Facsimile: (619) 321-6201

15 Attorneys for Defendant
16 True Source Honey, LLC

17 Date: April 14, 2022

HOWARD & HOWARD ATTORNEYS
18 PLLC

19 By: /s/ Robert L. Rosenthal
20 Robert L. Rosenthal
(as authorized on April 12, 2022)

21 Robert L. Rosenthal (SBN 173047)
22 rrosenthal@howardandhoward.com
23 3800 Howard Hughes Pkwy., Ste. 1000
24 Las Vegas, NV 89169
25 Telephone: (702) 667-4809
26 Facsimile: (702) 567-1568

27 Jon R. Steiger (SBN 229814)
28 jsteiger@howardandhoward.com
9595 Wilshire Boulevard, Suite 900
Beverly Hills, CA 90212
Telephone: (424) 303-7700
Facsimile: (424) 274-3202

Patrick M. McCarthy (admitted *pro hac vice*)
pmccarthy@howardandhoward.com
450 West Fourth Street
Royal Oak, MI 48067
Telephone: (248) 645-1483
Facsimile: (248) 645-1568

Attorneys for Defendant
NSF International

1 Date: April 14, 2022

BOUTIN JONES INC.

2 By: /s/ Vickie Grasu
Vickie V. Grasu
(as authorized on April 12, 2022)

3
4 Clint D. Robison (SBN 158834)
crobison@ohaganmeyer.com
5 Vickie V. Grasu (SBN 224278)
vgrasu@ohaganmeyer.com
O'HAGAN MEYER
6 21550 Oxnard Street, Suite 1050
Woodland Hills, CA, 91367
7 Telephone: (213) 306-1610
Facsimile: (213) 306-1615

8
9 Attorneys for Defendant
Lamex Foods, Inc.

10 Date: April 14, 2022

SHEPPARD, MULLIN, RICHTER &
HAMPTON LLP

11 By: /s/ Leo Caseria
12 Leo Caseria
(as authorized on April 12, 2022)

13
14 Leo Caseria (SBN 240323)
lcaseria@sheppardmullin.com
15 333 South Hope Street, Forty-Third Floor
Los Angeles, CA 90071
16 Telephone: (213) 617-4206
Facsimile: (213) 620-1398

17 Date: April 14, 2022

18 Attorneys for Defendant Export Packers
Company Limited, d/b/a Odem International
MILSTEIN JACKSON FAIRCHILD &
WADE, LLP

19 By: /s/ Marc A. Castaneda
20 Marc A. Castaneda
(as authorized on April 13, 2022)

21
22 Gillian L. Wade (SBN 229124)
g Wade@mjf law.com
23 Sara D. Avila (SBN 263213)
savila@mjf law.com
24 Marc A. Castaneda (SBN 299001)
mcastaneda@mjf law.com
25 10990 Wilshire Boulevard, Suite 800
Los Angeles, CA 90024
26 Telephone: (310) 396-9600

27 REESE LLP
28 Michael R. Reese (SBN 206773)
mreese@reesellp.com

100 West 93rd Street, 16th Floor
New York, New York 10025
Telephone: (212) 643-0500

Carlos F. Ramirez (pro hac vice to be filed)
cramirez@reesellp.com
7 Skyline Drive
Hawthorne, New York 10532
Telephone: (914) 860-4994

FITZGERALD JOSEPH LLP
Jack Fitzgerald (SBN 257370)
jack@fitzgeraldjoseph.com
Trevor M. Flynn (SBN 253362)
trevor@fitzgeraldjoseph.com
Melanie Persinger (SBN 275423)
melanie@fitzgeraldjoseph.com
2341 Jefferson Street, Suite 200
San Diego, California 92110
Telephone: (619) 215-1741

11 Attorneys for Plaintiffs

12

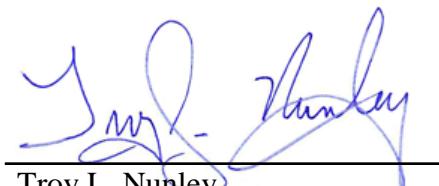
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14 **ORDER**

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16 **IT IS SO ORDERED.**

17 Dated: 4/14/2022



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19 Troy L. Nunley
United States District Judge

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